

DATE: December 2, 2016

TO: Alex Dambach, Division Chief
Land Use Regulatory Services, Department of Planning and Zoning

FROM: Ann Horowitz, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0064
Administrative Review for a Minor Amendment
Use: Automobile Service Station
Applicant: 442 North Henry, Inc.
Location: 442 North Henry Street and 1106 Oronoco Street
Zone: CSL/Commercial Service Low

Request

Special Use Permit #2016-0064 is a minor amendment request to amend SUP #2014-0106 to increase the hours of operation one hour in the evening, Monday through Saturday, and two hours on Sunday mornings, for gasoline sales. The proposal would establish gasoline sales hours as 6 a.m. to 10 p.m., Monday through Saturday, and 7 a.m. to 9 p.m., Sunday. The automobile repair portion of the business would continue to operate between 7 a.m. and 7 p.m., Monday through Saturday. All other business operations of the automobile service station (442 North Henry Street) and automobile storage lot (1106 Oronoco Street) would remain the same.

Background

An automobile service station and an associated automobile storage lot have operated at the subject site for several decades. On November 13, 1989, the City Council approved SUP#2302 for the addition of two service bays and referenced the continued use of the outlot at 1106 Oronoco Street as a storage lot for vehicles awaiting repair. A change of ownership was administratively approved on April 13, 2012.

The Virginia Department of Environmental Quality (DEQ) mandated the environmental remediation of leaking underground storage tanks in 1993. The site was satisfactorily cleaned of contamination and the Virginia DEQ closed the case in 2005. Between 2010 and 2014, staff confirmed resident complaints for tall grass and for the improper storage of motor vehicle parts in the Oronoco Street lot. The previous business owners immediately corrected these violations.

The applicant submitted a change of ownership Special Use Permit application (SUP#2014-0073) in July 2014 which was docketed due to citizen complaints that the business was remaining open later than the closing hour permitted in Condition 6 of the SUP. City Council approved SUP#2014-0073 for a change of ownership from Shuber, LLC to 442 North Henry, Inc. on October 18, 2014. The change of ownership approval also included conditions requiring the use of LED lighting in the overhead canopy and the installation of a new outlot fence.

The applicant subsequently submitted an SUP request to add six hours of operation for gasoline sales, daily. He proposed that gasoline sales would be available from 5 a.m. to 12 midnight, Monday through Saturday and from 7 a.m. to 10 p.m., Sunday. Based on neighbor concerns regarding noise and lighting, City Council approved SUP #2014-0106 in November 2014 for fewer hours: 6 a.m.- 9 p.m., Monday through Saturday, and 9 a.m. - 9 p.m., Sunday.

Staff has not received complaints related to the business operations, since the change of ownership was approved in October 2014. A recent SUP inspection revealed compliance with all SUP conditions.

Parking

According to section 8-200(A)(12) of the Zoning Ordinance, an automobile repair business requires one off-street parking space for each 400 square feet of floor area. The proposed business with 1,980 square feet of space, therefore, requires five parking spaces. A total of 24 parking spaces occupy the two lots. Nine parking spaces are located at 442 N. Henry Street, including the repair bays, and 15 parking spaces exist at 1106 Oronoco Street. The applicant complies with parking requirements of the Zoning Ordinance.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Princess Street Townhouses, West Old Town Civic Association and the Old Town Business and Professional Association have been informed of the application. Staff received six comments from residents about the request for additional hours. A nearby resident commented that vehicles entering the automobile service station can back up traffic on North Henry and Oronoco Streets. Staff informed the resident that traffic congestion could be addressed by contacting the Police non-emergency number. The resident also requested that the alley behind the building become a one-way alley. Staff directed them to the Parking and Traffic Board to place the request. Another adjacent property owner expressed support for the added hours of operation, although asked that the applicant inform customers to turn off car radios as gasoline is pumped to reduce noise impacts. Four additional letters were sent in support of the applicant's request, citing property improvements, good corporate citizenship, and convenient gasoline access.

Staff Action

Staff believes that the applicant's proposal for one additional hour in the evening, Monday through Saturday, and two hours on Sunday mornings, for gasoline sales is a reasonable request given that the additional hours are minimal, resident responses were generally supportive, and that no complaints have been registered with the City under the applicant's ownership. The additional hours would expand opportunities for motorists and nearby residents to purchase gasoline where a limited number of gas stations are available on the southbound side of Route 1 in the City. Moreover, increased business hours would enhance area activity in the evenings and on Sunday morning, contributing to neighborhood safety. Although staff does not anticipate

CONDITIONS OF SPECIAL USE PERMIT #2016-0064

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2302)
2. No junked, stripped, or abandoned vehicles shall be displayed, parked or stored outside at either the 442 N. Henry Street property or at the outlot located at 1106 Oronoco Street. (P&Z) (SUP#2014-0073)
3. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (P&Z) (SUP#2014-0073)
4. No vehicles shall be displayed, stored, or parked in any portion of the public right-of-way. (P&Z) (SUP#2014-0073)
5. No repair work shall be done outside on the subject properties. All repairs of motor vehicles at the site shall be conducted inside a building or structure. (P&Z) (SUP#2014-0073)
6. **CONDITION AMENDED BY STAFF:** The hours of operation for ~~the automobile~~ gasoline sales shall be restricted to between 6 a.m. - 9 ~~10~~ p.m., Monday through Saturday, and 9 ~~7~~ a.m. - 9 p.m., Sunday. The hours of operation for the automobile repair service are limited to 7 a.m. to 7 p.m., Monday through Saturday. ~~(City-Council)~~ (P&Z) (SUP #2014-0106)
7. The "outlot" owned by the applicant located at 1106 Oronoco Street shall be used by the applicant for parking of vehicles serviced at his service station. (P&Z) (SUP#2014-0073)
8. Condition deleted. (SUP#2012-0021)
9. Condition deleted. (SUP#2012-0021)
10. Condition deleted. (SUP#2012-0021)
11. Condition deleted. (SUP#2012-0021)
12. Condition deleted. (SUP#2012-0021)
13. Condition deleted. (SUP#2012-0021)

zoning impacts as a result of this increase in hours, the SUP may be docketed for Planning Commission and City Council review if impacts are reported, according to Condition 18.

Lighting impacts, which were a neighbor's concern during the SUP docketed review in November 2014, have been abated with the application of LED lighting under the canopy, required in Condition 32. The recessed and shielded LED lighting has reduced the spill-over of lighting into nearby properties. In response to a resident's comment about noise from car radios, the applicant has agreed to post signs at the pumps, informing customers to turn off radios in deference to nearby neighbors, and automobile service station employees would ensure that customer noise is kept to a minimum, as stated in Condition 38.

Given that recent sign ordinance revisions established June 18, 2023 as a sunset date for pole signs, staff has amended Condition 36 to extend the date that the applicant must install a monument sign from November 2016 to December 31, 2017.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: December 2, 2016
Action: Approved



Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

14. The applicant shall post the hours of operation for the service station at the entrance of the building. (P&Z) (SUP#2012-0021)
15. No portable signs or banner signs shall be displayed. (P&Z) (SUP#2012-0021)
16. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (P&Z) (SUP#2014-0073)
17. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z) (SUP#2014-0073)
18. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for ~~six months~~, one year, and annually for three years thereafter, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (City Council) (SUP #2014-0106)
19. The applicant shall provide documentation to the Director of Planning & Zoning on an annual basis confirming that the subject properties are in compliance with Virginia Department of Environmental Quality guidelines regarding the registration of underground storage tanks. (T&ES) (SUP#2008-0052)
20. All waste products, including but not limited to organic compounds (solvents), motor oils, and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged into the sanitary or storm sewers. (T&ES) (SUP#2008-0052)
21. The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Division of Environmental Quality at 703-746-4065 or at <http://alexandriava.gov/Environment> under Forms and Publications. (P&Z) (SUP#2014-0073)

22. Condition deleted (SUP#2014-0073)
23. **CONDITION AMENDED BY STAFF:** The use shall comply with the City's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (P&Z) (T&ES) (~~SUP#2008-0052~~)
24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (T&ES) (SUP#2014-0073)
25. Condition deleted (SUP#2014-0073)
26. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2008-0052)
27. Condition deleted. (SUP#2012-0021)
28. Condition deleted (SUP#2014-0073)
29. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6388 regarding a security survey for the business and a robbery awareness program for all employees. (P&Z) (SUP#2014-0073)
30. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2014-0073)
31. Car wash discharges resulting from a commercial operation shall not be discharged into a storm sewer. It is recommended that the car washes be done at a commercial car wash facility. (T&ES) (SUP#2014-0073)
32. All lighting in the canopy over the pumping stations shall be illuminated with LED light bulbs directed downward, recessed, and shielded to the satisfaction of the Director of Planning & Zoning. Canopy lighting shall remain unilluminated when the business is closed. (P&Z) (SUP#2014-0073)
33. **CONDITION AMENDED:** ~~New fencing shall be installed~~ maintained surrounding the 1106 Oronoco Street outlot ~~within 180 days subject to the satisfaction of the Director of Planning & Zoning.~~ (P&Z) (SUP#2014-0073)

34. **CONDITION AMENDED BY STAFF:** Existing oil storage drum shall remain ~~be repainted to match the exterior of the building within 90 days subject to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2014-0073)~~
35. Drums of automobile related wastes shall be stored in a location not visible from the street. (P&Z) (SUP#2014-0073)
36. **CONDITION AMENDED BY STAFF:** A monument sign that identifies the business shall replace the current pole sign and shall be installed no later than ~~November 2016~~ December 31, 2017 subject to the review and approval of the Director of Planning and Zoning. (P&Z) (~~SUP #2014-0106~~)
37. The applicant shall execute and maintain an up-to-date agreement with the Alexandria Police Department (APD) that allows APD to enforce no trespassing and no loitering laws and policies on the property. (P&Z) (SUP #2014-0106)
38. **CONDITION ADDED BY STAFF:** The applicant shall post signs that inform customers to refrain from playing radios while using the gasoline pumps. Employees shall monitor noise and, if necessary, inform customers of noise restrictions at the gasoline pumps.
39. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

Findings:

F-1 This business currently has not caused any recent noise complaints that T&ES/OEQ is aware of. (T & ES)

Existing Conditions:

16. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking ~~and/or provide employees who use mass transit with subsidized bus and rail fare media.~~ The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
19. The applicant shall provide documentation to the Director of Planning & Zoning on an annual basis confirming that the subject properties are in compliance with Virginia Department of Environmental Quality guidelines regarding the registration of underground storage tanks. (T&ES) (SUP#2008-0052)
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24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (T&ES) (SUP#2014-0073)
26. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2008-0052)
30. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2014-0073)
31. Car wash discharges resulting from a commercial operation shall not be discharged into a storm sewer. It is recommended that the car washes be done at a commercial car wash facility. (T&ES) (SUP#2014-0073)

New Conditions:

- R-1 **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)

City Code Requirements:

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Fire Department:

No comments or concerns

Code Enforcement:

No comments received

Health Department:

No comments received

Recreation, Parks and Cultural Activities:

No comments received.

Police Department:

No comments received.

STATEMENT OF CONSENT

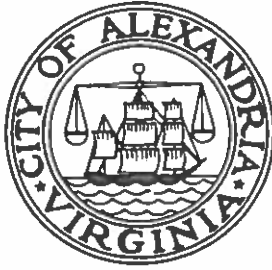
The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0064. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the automobile service station at 442 North Henry Street.

by Harry B. Hart
Applicant - Signature Attorney
for applicant

12/02/16
Date

Hamood Abutaga
Applicant - Printed H.A.

12/02/16
Date



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit SUP #2016-0064

Approved by Planning and Zoning: December 2, 2016

Permission is hereby granted to: 442 North Henry, Inc.

to use the premises located at: 442 North Henry Street and 1106 Oronoco Street

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

December 2, 2016.
Date

KARL MORITZ/AD
Karl Moritz, Director
Department of Planning and Zoning

